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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Jesus Humberto QUINTERO,** Defendant	Magistrate Docket No. '08 MJ 0976 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 28, 2008,** within the Southern District of California, defendant, **Jesus Humberto QUINTERO,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st** DAY OF **APRIL 2008.**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jesus Humberto QUINTERO

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On March 28, 2008, Border Patrol Agent M. Jaurigue was performing uniformed line watch duties in the Chula Vista Border Patrol Station area of responsibility. At approximately 3:30 a.m. infra-red camera operator Senior Patrol Agent C. Loy observed and reported a group of five suspected illegal aliens near an area known as "Tin Can." This area is approximately three miles east and 300 yards north of the United States/Mexico International Boundary near the Otay Mesa Port of Entry, Otay Mesa, California. Agent Jaurique responded to the reported area and after a brief search was able to find five subjects hiding in the brush. Agent Jaurigue approached the five subjects and identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and nationality. The five subjects, including one later identified as the defendant **Jesus Humberto QUINTERO**, answered "Mexico." Agent Jaurigue then asked the five subjects if they had any immigration documents allowing them to enter or remain in the United States legally. All five subjects answered "No." At approximately 3:50 a.m., the defendant and the other four individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **March 17, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on March 29, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **March 28, 2008,** in violation of Title 8, United States Code, Section 1326.

Anthony J. Battaglia
United States Magistrate Judge

3/29/08 9:40am
Date/Time